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Sent By: ZAGORIN O'BRIEN & GRAHAM LLP; 512 347 9031; Jan-22-03 4:34PM; Page 1

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FACSIMILE MESSAGE TRANSMITTAL

TO: Examiner, Alvin E. Oberley, PHONE #: (703)345-9716
USPTO GRAU 2151
FROM: David W. O'Brien DATE: January 22, 2003
SUBJECT: Preliminary Amendment
YOUR REF: U.S. Pat. App. No. 02/855,453 OUR REF: 004-5117
FACSIMILE #: (703)746-7239 PAGES: 7 (including this transmittal)

MESSAGE**OFFICIAL FILING**

Please see attached:

Transmittal Letter (1 page)

Preliminary Amendment (5 pages)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Ole Agesen et al.

Title: DYNAMIC ADAPTIVE TENURING OF OBJECTS

Application No.: 09/855,453

Filed: May 15, 2001

Examiner: Alvin E. Oberley

Group Art Unit: 2151

Atty. Docket No.: 004-5117

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January 22, 2003

COMMISSIONER FOR PATENTS
Washington, DC 20231

PRELIMINARY AMENDMENT

Prior to the first action on the merits, please amend the above-identified application as follows:

In the Specification

Please delete the paragraph beginning on page 1, line 8, and substitute therefor the following paragraph:

[1002] In addition, this application is related to U.S. Patent Application No. 09/855,454, entitled "OBJECT SAMPLING TECHNIQUE FOR RUNTIME OBSERVATIONS OF REPRESENTATIVE INSTANCES THEREOF," naming Agesen, Garthwaite and Harris as inventors and filed on even date herewith, the entirety of which is hereby incorporated by reference.

Please delete the paragraph beginning on page 16, line 11, and substitute therefor the following paragraph:

[1053] In the illustrated realization, birth, death and/or promotion events generate updates to object lifetime statistics 240, which in turn are employed by collection, promotion, allocation, placement and/or pretenuring decisions or operations of a garbage collector, allocator or both. In implementations described more completely below, object birth-generated updates are performed coincident with allocation of a sampled object and